REMARKS

Applicants respectfully traverse and request reconsideration.

Claims 1-14 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as their invention. In light of the amendments made to the claims, the Applicants respectfully believe that the claims, in view of the specification, adequately describe and claim the invention.

As to Claim 1, the Office Action argues that the claimed "executable program" is unclear because the relationship between the program and the code modules and the bundle is not well defined. However, page 4, lines 23-26 of the specification describes "a method and apparatus for constructing an executable program, such as drivers, in memory." This method further "includes obtaining actual dynamic and static system configuration parameters and dynamically constructing driver code bundles from a set of code modules obtained from a library, based on the actual system configuration parameters."

Furthermore, as to Claim 1, "Fig. 1 diagrammatically illustrates construction of an executable program in accordance with one embodiment of the invention" (Page 6, lines 4-5). The executable program relates to the code modules and the bundle in the sense that the code modules form a bundle of code modules that are used as a program. "Sets of code modules ... are stored disk files that store code modules to be loaded in dynamic code bundle construction memory 106 to form dynamic code bundles 116" (Page 6, lines 20-22). For example, "a dynamic code bundle ... defines a portion of a display software driver capable of assisting in rendering graphics for display on a display device" (Page 6, lines 15-17). The cited portions of the specification, as well as the claim itself, particularly point out and distinctly claim the subject

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matter which the applicants regard as their invention. Therefore Claim 1 is believed to be allowable.

As to Claim 2, the Office Action argues that if a code bundle is an executable program, then Claim 2 claims multiple executable programs, and not just a single executable program. However, the Applicants respectfully assert that a code bundle is constructed from "a set of code modules obtained from a library, based on the actual system configuration parameters" (Page 4, lines 25-26). In other words, a code bundle is merely a collection of code segments, arranged according to actual system configuration parameters. The code modules that make up a code bundle are described as "code fragments" (Page 5, line 4). Furthermore, the "dynamic code bundle ... consists of parts of a driver's code which vary depending upon the configuration of the hardware associated with the system" (Page 7, lines 14-16). Because the code bundle consists only of parts of a driver's code, multiple code bundles may be required to construct a complete executable program. Therefore the applicants believe Claim 2 to be allowable.

As to Claim 3, the Office Action states that it is unclear how a jump instruction is included in the code bundle. The Office action states that Figure 6 shows jump instructions included in the display driver, and not in the code bundle itself. However, Figure 6 illustrates the "patched jump instructions 600a-600n which define the mini-driver 100 associated with the display driver" (Page 13, line 4-5). In other words, the jump instruction is not included in the display driver, as argued by the Office Action, but rather in the mini-driver 100. The Applicants do not claim that the code bundle includes a jump instruction. The Applicants claim a method of constructing a code bundle that includes adding a jump instruction call. Therefore the Applicants believe Claim 3 to be allowable.

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As to Claims 4-14, the Office Action does not address particular issues as to why these claims are rejected under 35 U.S.C. § 112. In light of the amendments made to the claims, the Applicants respectfully believe that the claims, in view of the specification, adequately describe and claim the invention. Therefore the Applicants believe Claims 4-14 to be allowable.

Claims 1, 4, 5, 11 and 12 stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 6,496,979 ("Chen").

The Chen reference is directed toward a system and method for managing application installation for a mobile device. The Chen reference describes a system and method of installing applications for a plurality of mobile devices from a storage source. The invention accomplishes this by storing a plurality of applications on the storage source. All necessary information for installing the application programs onto a mobile device are stored in a store in one of a plurality of unique setup package files. Specifically, setup package file 10A contains or includes all of the program files and the user settings for installing the application program 5A onto a mobile device. Generally, the Chen reference describes the creation of setup package files for later installation onto mobile devices of corresponding configurations.

As to Claim 1, the Office Action argues that the Chen reference teaches "dynamically constructing at least one code bundle from a set of code modules based on the actual system configuration parameter." The Office Action argues that the setup package files 10A, 10A' and 10A'' represent code bundles that have been dynamically constructed from a set of code modules based on an actual system configuration. However, even if the setup package files 10A, 10A' and 10A'' represent code bundles, these setup package files are not dynamically constructed based on an actual system configuration.

The office action cites the Chen reference where "the ISV uses the generator module 102 to convert application program binary files 104, 104' and 104'' ... into setup package files 10A. 10A' and 10A'' ... packaged together as a single file for transfer to the mobile device 3." In other words, the generator module 102 constructs several setup package files for several different configuration possibilities.

This element of the Chen reference teaches a different system from the Applicants' claimed invention. The Applicants claim constructing at least one code bundle based on actual system configuration parameters. Instead of creating several different code bundles for several possible system configurations, the Applicants' invention constructs a specific code bundle based on a system configuration parameter. This eliminates the need to construct more than one code bundle for any given system configuration. Therefore, the Chen reference does not teach the Applicants claimed invention. Accordingly, the Applicants believe Claim 1 to be allowable.

As to Claims 8, 4 and 11, the Applicants respectfully restate the relevant remarks with respect to claim 1.. Applicants also add that Claims 8, 4 and 11 are dependent upon an allowable base claim and contain further patentable material. Applicants believe Claims 8, 4 and 11 to be allowable.

As to Claim 5, the Applicants respectfully restate the relevant remarks with respect to claims 1. Furthermore, the office action argues that the Chen reference discloses at least one actual system configuration parameter including at least one of a dynamic configuration parameter. However, the office action does not cite to where the Chen reference teaches a static configuration parameter. The Applicants claim both a dynamic and a static system configuration parameter. The Chen reference does not teach both a static and a dynamic system configuration parameter. Therefore the applicants believe Claim 5 to be allowable.

As to Claim 12, the applicants respectfully restate the relevant remarks with respect to Claim 5. Applicants also add that Claim 12 is dependent upon an allowable base claim and contains further patentable material. Applicants believe Claim 12 to be allowable.

Claims 2 and 9 stand rejected under 35 USC § 103(a) as being unpatentable over Chen in view of U.S. Patent No. 5,504,920 ("Biggs").

The Biggs reference is directed toward a video driver system for communicating device specific primitive commands to multiple video controller types. The video driver system disclosed by Biggs includes a method for communicating a plurality of primitive commands to a video controller having a predetermined configuration. The Biggs reference allows a single video driver to be used to drive any one of a plurality of different controllers at any one of a plurality of color depths.

As to Claim 2, the office action cites the Biggs reference because the Chen reference does not teach that the executable program is associated with a software driver and including the step of dynamically constructing a code bundle for every driver entry point associated with the software driver. The office action argues that the Biggs reference teaches display driver software associated with a number of Windows primitive commands for controlling the display of a computer, and that each primitive command is associated with an entry point of the display driver. However, the Biggs reference does not teach the step of dynamically constructing a code bundle. Therefore neither the Chen nor the Biggs reference teaches all the claim limitations of Claim 2. Furthermore, Claim 2 relies upon an allowable base claim. Therefore Claim 2 is believed to be allowable.

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As to Claim 9, the applicants respectfully restate the relevant remarks with respect to Claims 1 and 2. Applicants also add that Claim 9 is dependent upon an allowable base claim and contains further patentable material. Applicants believe Claim 9 to be allowable.

Claims 3 and 10 stand rejected under 35 USC § 103(a) as being unpatentable over Chen. As to Claims 3 and 10, the Applicants respectfully restate the relevant remarks with respect to Claim 1. Applicants also add that Claims 3 and 10 are dependent upon an allowable base claim and contain further patentable material. Applicants believe Claims 3 and 10 to be allowable.

Claims 6 and 13 stand rejected under 35 USC § 103(a) as being unpatentable over Chen in view of U.S. Patent No. 5,963,743 ("Amberg"). As to Claim 6, both the Chen and Amber references fail to teach "wherein the step of dynamically constructing at least one code bundle includes: in response to storing dynamic configuration parameters, using indexed code modules associated with the stored dynamic configuration parameters to determine which code modules are selected to define a portion of a software driver." Because neither the Chen nor the Amberg reference teaches all the claim limitations of Claim 6, and because Claim 6 relies upon an allowable base claim, Claim 6 is believed to be allowable.

As to Claim 13, the Applicants respectfully restate the relevant remarks with respect to Claim 5. Applicants also add that Claim 13 is dependent upon an allowable base claim and contains further patentable material. Applicants believe Claim 13 to be allowable.

Claims 7 and 14 stand rejected under 35 USC § 103(a) as being unpatentable over Chen in view of U.S. Patent No. 6,282,709 ("Reha"). As to Claims 7 and 14, the Applicants respectfully restate the relevant remarks with respect to Claim 1. Applicants also add that Claims 7 and 14 are dependent upon an allowable base claim and contain further patentable material. Applicants believe Claims 7 and 14 to be allowable.

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Applicants respectfully submit that the claims are in condition for allowance and respectfully request that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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